

APRIL 26, 1985

IRWIN I. KIMMELMAN  
ATTORNEY GENERAL OF NEW JERSEY

ORIGINAL

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

## Administrative Action

## FINAL ORDER

This matter was opened to the Board upon the complaint of Ms. D.M.J., a patient of Joseph T. Johnson, D.C., who alleged that the doctor, during an office visit, had her disrobe from the waist up, rubbed lotion on her breasts and used a massager in her breast area. The patient signed an affidavit and testified under oath before the Executive Committee of the Board on July 18, 1984. Dr. Johnson appeared separately before the Committee on the same day, accompanied by his attorney, Richard T. Rapone, Esq.

Based on all the information before it, the Board, determined that there is insufficient evidence to demonstrate a sexual rather than a therapeutic motive in Dr. Johnson's conduct. However, the Board finds Dr. Johnson at fault for failing

to have a female attendant in the room during the procedure and failing to adequately explain the procedure to the patient in advance. The Board further concludes that Dr. Johnson charged fees beyond those merited for the services performed on several visits.

Therefore, and for good cause shown,

IT IS on this 19th day of April, 1985, hereby ORDERED and AGREED that:

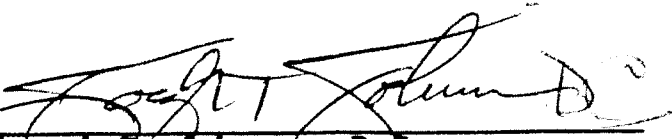
1. Joseph T. Johnson, D.C. shall be and hereby is reprimanded for his unprofessional conduct while treating Ms. D.M.J. on January 24, 1984.
2. Dr. Johnson shall have an attendant present whenever he performs an examination or treatment of a female patient requiring disrobing and shall fully explain all procedures in advance of performing them.
3. Dr. Johnson is further reprimanded for performing physical therapy on a patient, namely ultrasound, during a visit in which no chiropractic was performed, and for charging fees in excess of those merited by the services performed.
4. Dr. Johnson shall restore to the patient, Ms. D.M.J., within 10 days of the filing of this Order, by certified check made out to the patient and submitted to the Board, the amount of \$280, representing fee adjustments as indicated on Attachment A of this Order.
5. Dr. Johnson shall pay to the Board by certified check within 10 days of the filing of this Order, a civil penalty of \$500.00.

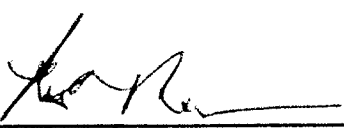
STATE BOARD OF MEDICAL EXAMINERS

By

Edward W. Luka M.D.  
Edward W. Luka, M.D.  
President

Consented as to form and entry. \*

  
\_\_\_\_\_  
Joseph T. Johnson, D.C.

  
\_\_\_\_\_  
Richard Rapone, Esq.  
Attorney for Dr. Johnson

4/12/85  
\_\_\_\_\_  
Date

- \* In accordance with letter from Richard T. Rapone, Esq. dated April 12, 1985, a true copy of which is annexed hereto.

PLATOFF, HEFTLER, HARKER, NASHEL & KATES

ATTORNEYS AT LAW  
400 38TH STREET  
UNION CITY, N.J. 07087

(201) 863-4430

April 12, 1985

MARVEL S. PLATOFF (RETIRED)

JOHN N. PLATOFF (1913-1984)

ROBERT G. PLATOFF (1940-1980)

BERGEN COUNTY OFFICE

79 MAIN STREET

HACKENSACK, N.J. 07601

(201) 342-5534

Please reply to:  
Hackensack

GEORGE HEFTLER  
EDWARD W. HARKER  
HOWARD M. NASHEL  
MICHAEL S. KATES  
PAUL J. MODARELLI  
BRUCE L. NUSSMAN

RICHARD T. RAPONE  
MARIANNE WUILLAMEY

Peter A. Greene, Deputy  
Attorney General  
Professional Boards Section  
1100 Raymond Boulevard  
Newark, New Jersey 07102

Re: Joseph T. Johnson, D.C.

Dear Mr. Greene:

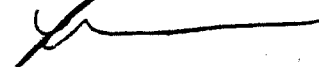
Enclosed please find fully executed Final Order and our client's check in the sum of \$500.00 in connection with the above matter.

Please be advised that the Order was consented to as to form only and Dr. Johnson conditioned his execution based upon the following:

1. Dr. Johnson did not charge fees beyond those merited for the services performed on any visit. He violated no statute or regulation in connection with same.
2. Dr. Johnson never performed ultra-sound on any visit in which no chiropractic was performed. He performed chiropractic during every visit.
3. The \$280 referred to in paragraph 4 of the Order will be credited to the patient against her present outstanding bill which exceeds that amount.

If you have any questions regarding the enclosed, please do not hesitate to contact me.

Very truly yours,



Richard T. Rapone

RTR:pv  
Enclosures